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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,797	06/03/2000	Trevor R. Mathurin	TM-4	7532

7590 03/31/2004  
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EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/31/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/585,797

Applicant(s)

MATHURIN, TREVOR R.

Examiner

Devona E. Faulk

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 13 claims the audio/control device of claim 17. Clarity as to whether or not the reference to claim 17 is correct or should it is claim 1 is needed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1,2,11,14-17** are rejected under 35 U.S.C. 102(e) as being unpatentable over Matsumoto (U. S. Patent 6,542,870)

Regarding **claim 1**, Matsumoto discloses a recording and/or playback apparatus comprising a recording/playback apparatus (10) which reads on “a base unit”; a mounting unit (MT) that is a recessed area on the recording/playback apparatus which reads on “a housing have a recess extending therein; a CPU (11, Figure 3) for controlling the whole operation of the recording /playback apparatus (column 9, line 66) which reads on “a first processor for controlling operation of said base unit”; an IEEE1394 interface (37) and an IEEE1394 driver (36) that render the recording/playback apparatus capable of inputting audio data from various kinds of equipment or a variety of systems (column 12, lines 55-60). The recording/playback

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apparatus (10) is provided with a variety of terminals for connection with external equipment such as a persona computer, or another audio visual apparatus (column 7, lines 32-38) which reads on “a first means for connection with an external source of audio and video signals for at least one of reproduction and storage by base unit”; a buffer memory (16) that temporarily stores audio data to be processed and which is under control by the CPU (11) (column 10, lines 58-60). The apparatus (10) is capable of storing audio data, video data, text data or various other kinds of data (column 5, lines 24-25). This reads on” a first audio/video storage and reproduction device positioned within said housing and controlled by processor to one of store and reproduce at least one of audio and video signals thereon”; an encoder (28) for carrying out an encoding process on audio data that is under control executed by the CPU (11), which reads on “means connected to said first processor for receiving audible control signals in response to which said first processor control operation of said device”. Matsumoto further teaches that the recording/playback apparatus comprises a portable apparatus (50, Figure 4) including a CPU (51) which reads on “ a second processor”; a connector (60) that connects to the connector (27) of the recording/playback apparatus, which reads “means for selectively connecting said second processor to said first processor”; a display unit (57) that displays necessary information such as characters, symbols, and operation icons under control executed by the CPU (51) and through which operations can be carried out using a finger of the user (column 15, lines 24-25) , which reads on “a touch screen display connected to said second processor for displaying a menu of operation selections and providing manual control signals to said second processor for controlling operation of said device upon contact by a user of one of said operation selections in said displayed menu”; a hard disk drive (HDD) (54) for recording and playing back information

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onto and from a hard disc, which reads on "means for reproducing and storing audio and video signals on a storage medium"; and a buffer memory (55) onto which data is written too and read out of, the buffer memory (55) under control of the CPU (51) (column 14, lines 1-5) which reads on "a second audio/video storage and reproduction device positioned within said housing and controlled by said processor". The portable apparatus (50) is also provided with a variety of terminals tb for connection with external equipment such as a persona computer, or another audio visual apparatus (column 8, lines 23-30) which reads on "a second means for connection with an external source of audio and video signals for at least one of reproduction and storage by base unit".

**Claim 2** claims the audio/video control device as recited in claim 1, wherein said base unit further includes means for connecting said first processor with said second processor positioned within said recess. Matsumoto further teaches of a connector (60) that connects to the connector (27) of the recording/playback apparatus, which reads "means for connecting said first processor with said second processor with said second processor positioned within said recess".

**Claim 11** claims the audio/video control device of claim 1, wherein said portable unit further includes control keys for manually providing control signals to said second processor. Matsumoto teaches of a panel operation unit (56) that includes keys of the push and rotary type and also has a variety of operators Kb. An input signal representing an operation carried out by the user on the panel operation unit (56) controls the operation of the portable apparatus. (column 13, lines 26-50). So, the panel operation unit (56) inherently controls the second processor.

**Claim 14** claims the audio/video control device as recited in claim 1, wherein said means for receiving audible control signals is a microphone. Matsumoto further teaches that the base unit (10) comprises a microphone terminal (ta3).

**Claim 15** claims the audio/video control of claim 1, wherein said portable unit further includes a headphone jack connected to said second processor for audibilizing reproduced signals. Matsumoto discloses a that the portable apparatus (50) offers the user the alternative of connecting to a headphone (92, Figure 2) (column 8, lines 33-34). It is inherent that he headphone will audibilize reproduced sounds.

**Claim 16** claims the audio/video control of claim 1, wherein said portable unit further includes a speaker respectively connected to said second processor for audibilizing reproduced signals. Matsumoto discloses a speaker (68) for outputting typically reproduced sounds (column 8, line 19). Connected is defined as to join or by means of a communications circuit. The speaker is indirectly connected to the CPU (51) through other components of the unit.

**Claim 17** claims the audio/video control of claim 15, wherein said portable unit further includes a speaker respectively connected to said second processor for audibilizing reproduced signals. Matsumoto discloses a speaker (68) for outputting typically reproduced sounds (column 8, line 19). Connected is defined as to join or by means of a communications circuit. The speaker is indirectly connected to the CPU (51) through other components of the unit.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4-6,8-10,12,13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (U.S. Patent 6,542,870).

**Claim 4** claims the audio/video control device of claim 1, wherein said first audio/video storage and reproduction device is a read/write CD-ROM drive. Matsumoto further teaches of a CD-ROM drive (17) (column 10, line 20). It would be a matter of choice to use the CD-ROM as the storage and reproduction device. Thus it would have been obvious to use the CD-ROM as the storage and reproduction device for the benefit of having the ability to store more data and different types of data.

**Claim 5** claims the audio/video control device of claim 1, wherein said first audio/video storage and reproduction device is a memory card port for receiving a memory card, said memory card including means for storing audio and video data thereon and a rechargeable battery, wherein said memory card is connected to said first microprocessor upon insertion into said memory port. Matsumoto further teaches that other kinds of recording media can be employed including a memory card (column 10, line 32-36). Thus it would have been obvious to one of ordinary skill in the art to use Matsumoto's memory card as the storage and reproduction device for the benefit of being able to store audio, video, text and picture data and having data that would not be threatened by a power loss.

**Claim 6** claims the audio/video control device of claim 1, wherein said second audio/video storage and reproduction device is a memory card port for receiving a memory card, said memory card including means for storing audio and video data thereon and a rechargeable battery, wherein said memory card is connected to said first microprocessor upon insertion into

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said memory port. Matsumoto further teaches that other kinds of recording media can be employed including a memory card (column 10, line3 32-36). Thus it would have been obvious to one of ordinary skill in the art to use Matsumoto's memory card as the storage and reproduction device for the benefit of being able to store audio, video, text and picture data and having data that would not be threatened by a power loss.

**Claim 8** claims the audio/video control device as recited in claim 1, wherein said first means for connection with an external source of audio and video signals is one of a cable connection port, a telephone line connection port or an audio/video connector. Matsumoto teaches that the base unit (10) is provided with a variety of terminals tb for connection with external equipment such as a persona computer, or another audiovisual apparatus. It is obvious therefore that the connection means is at least one of the claimed elements. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use Matsumoto's connection means for the benefit of providing the base unit the capability of being connected to other devices.

**Claim 9** claims the audio/video control device as recited in claim 8, wherein said cable connection port provides a direct connection of the first processor to a global communications network. Matsumoto teaches that the audio/video device may exchange various kinds of information by way of a satellite transmission line (4) (column 5, lines 7-12) with an information center (1). So, it is obvious that global communications would be possible if so desired. Thus it would have been obvious to provide the capability of connecting to a global communications network for the benefit of providing a feature that would increase the value of the device.



**Claim 10** claims the audio/video control device as recited in claim 1, wherein said first processor displays video reproduced from one of said first audio/video storage and reproduction device and said means for connection with an external source of audio and video signals on said touch screen display when said portable device is positioned in said recess. Matsumoto teaches the base unit (10) has a display (24). It is obvious that it will display video reproduced if that is the data being used. The display is part of base unit. The base unit has a connector (60) that connects to the connector (27) of the recording/playback apparatus. This reads on the “connection means” and it is obvious that any data between the base unit and portable unit can be shared once the two are connected. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Matsumoto’s audio/video device, displaying video as claimed for the benefit of providing the user with the capability of viewing data on both the base unit and portable unit.

**Claim 12** claims the audio/video control device of claim 1, wherein second means for connection with an external source of audio and video signals is a cellular transmitter/receiver. Matsumoto teaches that the audio/video device may exchange various kinds of information by way of a satellite transmission line (4) (column 5, lines 7-12) with an information center (1). So although, Matsumoto does not specifically teach of a cellular transmitter/receiver as a means for connection with an external source, it is obvious that cellular transmission could be done if desired. Thus having a cellular transmitter/receiver as claimed would be a design choice. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Matsumoto’s device by having a cellular transmitter/receiver as claimed for the benefit of adding another feature to the device.

**Claim 13** claims the audio/video control device of claim 17, wherein said base unit further includes a second memory card port for receiving a memory card, said memory card including means for storing audio and video data thereon and a rechargeable battery, wherein said memory card is connected to said first microprocessor upon insertion into said memory port. Matsumoto further teaches that other kinds of recording media can be employed including a memory card (column 10, line3 32-36). It would be a matter of design choice as to how many memory card the base unit would have. Thus it would have been obvious to one of ordinary skill in the art to modify Matsumoto's device, by adding a second memory card he benefit of being able to store even more audio, video, text and picture data.

6. **Claims 3 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (U. S. Patent 6,542,870) in view of Tanaka et al. (U.S. Patent 6,621,938).

**Claim 3** claims the audio/video control device of claim 2, wherein said base unit further includes a speaker connected to said first processor for audibly providing operating instructions to a user for controlling operation of said device. Tanaka discloses a speaker (4) that outputs operating instructions in the form of a voice (column 7, line 27). Thus it would have been obvious to modify Matsumoto's base unit so that the speaker can output operating instructions for the benefit of making sure the device is operated properly.

**Claim 7** claims the audio/video control device of claim 3, wherein said base unit includes a memory card port for receiving a memory card, said memory card including means for storing audio and video data thereon and a rechargeable battery, wherein said memory card is connected to said first microprocessor upon insertion into said memory port. Matsumoto further teaches that the recording/playback apparatus (10) is also provided with a Personal Computer Memory Card

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International Association slot (39) and a PCMCIA card can be plugged into and removed from the slot (39). Thus it would have been obvious to one of ordinary skill in the art to use Matsumoto's memory card for the benefit of extending the apparatus to various kind of peripheral equipment.

7. **Claim 18** is rejected under 35 U.S.C. 102(e) as being unpatentable over Matsumoto (U. S. Patent 6,542,870)

Regarding **claim 18**, Matsumoto discloses a recording and/or playback apparatus comprising a recording/playback apparatus (10) which reads on "a central station"; a buffer memory (16) for temporarily storing audio data to be processed, and to which data is written and read (column 10, lines 56-60) which reads on "a database for storing acceptable access numbers" because a memory usually stores data in some numeric form; a CPU (11, Figure 3) for controlling the whole operation of the recording /playback apparatus (column 9, line 66) which reads on "a first processor for controlling operation of said base unit"; and a encoder (28) (column 11, lines 9-25) which reads on "a first receiver"; and a transmission line which can be an ISDN network line, CATV, or wireless communication which reads on "a first transmitter for transmitter for transmitting audio and/or video signals". Matsumoto further teaches of the recording/playback apparatus comprising a portable apparatus (50, Figure 4) including a CPU (51) which reads on the claimed "an audio/video control device located remotely from said central station"; a buffer memory (55) for temporarily storing audio data to be processed and to which data is written into and read out from which reads on "a memory for storing an access number" because a memory device stores data in numerical form; interface driver (59) that allows data to be communicated between the recording/playback apparatus (10) and the portable apparatus(50) which reads on "a second transmitter for transmitting the access number to said

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central unit” and “a second receiver for receiving audio and/or video signals from said central unit”; a CPU (51) which reads on “a second processor”; a speaker (68) for outputting typically reproduced sounds (column 8, line 19). It is obvious that the speaker would reproduce sounds received from the central station if the portable unit is connected to the base unit. He further teaches of a panel operation unit (56) that includes keys of the push and rotary type and also has a variety of operators Kb. An input signal representing an operation carried out by the user on the panel operation unit (56) controls the operation of the portable apparatus. (column 13, lines 26-50) which reads on “control keys for generating control signals and controlling said processor to activate said transmitter to transmit said access number and control signals to said central station”; and lastly he teaches of a display (57) for outputting and displaying various kinds of information. Although not exactly stated, it is obvious that the display (57) can reproduce video signals. Matsumoto teaches that the recording/playback apparatus (10) can store audio data, image data, video data and text data. As stated above, what the user chooses to input at the panel operation unit controls the operation of the device. It is therefore obvious that Matsumoto’s display reads on the claimed “display”. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use Matsumoto’s recording apparatus for the benefit of more reliable and flexible apparatus.

**Claim 21** claims the system of claim 20 wherein said transmitter within said audio/video control device is a cellular transmitter. Matsumoto teaches that the audio/video device may exchange various kinds of information by way of a satellite transmission line (4) (column 5, lines 7-12) with an information center (1). So although, Matsumoto does not specifically teach of a cellular transmitter/receiver as a means for connection with an external source, it is obvious that

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cellular transmission could be done if desired. Thus having a cellular transmitter/receiver as claimed would be a design choice. The base unit and portable unit have the same functionality. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Matsumoto's portable device by having a cellular transmitter/receiver as claimed for the benefit of adding another feature to the device.

8. **Claim 19** is rejected under 35 U.S.C. 102(e) as being unpatentable over Matsumoto (U.S. Patent 6,542,870) in view of Kim (GB 2 298 552)

**Claim 19** claims the system of claim 18, further comprising a plurality of audio/video control devices, each of said audio/video control devices having a unique access number stored in said memory and being authorized to receive audio and/or video signals from said central station. Kim discloses a base station (20) that communicates with a plurality of portable units (21-25) each having a unique ID number (see abstract). So, the concept of a system having a plurality of devices, each having its own ID number was well known in the art at the time of filing. Although, Matsumoto does not specifically teach of a plurality of audio/video control devices, he does say that there can be a variety of implementations including other equipment and other configuration. It would have been obvious to modify Matsumoto's system to include a plurality of audio/video control devices in order to allow access to more than one person. Thus it would have been obvious to one of ordinary skill in the art to modify Matsumoto's system by using Kim's ID system, giving each portable device its own ID for the benefit of give the base unit the capability of distinguishing between units.

9. **Claim 20** is rejected under 35 U.S.C. 102(e) as being unpatentable over Matsumoto (U.S. Patent 6,542,870) in view of Jung (U.S. Patent 6,175,356).

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**Claim 20** claims the system of claim 18 wherein said central station is able to transmit any of a selection of audio and video signals to said audio/video control device and said control keys each generate a respective control signal for transmission to said central station upon activation, wherein each control signal is indicative of a respective selection of audio and video signals to be transmitted by said central station. Jung discloses a remote control (10) that generates a signal in response to a user's input, which is received by a monitor (20). When the monitor (20) receives the signal, it processes it and the signal is ultimately applied to a PC, the PC applying the control signal to the audio and video circuits and they respond accordingly (column 2, line 53-column 3, line 23) and (column 5, lines 43-55). So, the concept of a key generating a control signal indicative of a particular selection was well known in the art at the time of filing. Matsumoto's recording apparatus is obviously able to transmit various audio and video data. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Matsumoto's apparatus so that the portable unit could generate control signals as claimed for the benefit of being able to remotely use the apparatus.

10. **Claim 22** is rejected under 35 U.S.C. 102(e) as being unpatentable over Matsumoto (U.S. Patent 6,542,870) in view of Wunsch (U.S. Patent 6,606,381)

**Claim 22** claims the system of claim 21 wherein said control keys include an alphanumeric keypad for dialing an access telephone number for said central station to establish communication therewith. Matsumoto teaches of a panel operation unit (56). Wunsch discloses an alphanumeric keypad (column 2, line 43). Although Matsumoto, does not specifically disclose an alphanumeric pad, it is obvious that if the portable unit is capable of cellular transmission that there would have to be an alphanumeric pad present. It is obvious that if the

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portable device is capable of cellular transmission that the base unit does as well. It is therefore obvious that the portable unit could contact the base unit through an alphanumeric pad. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Matusmoto's panel display unit to have an alphanumeric keypad for the benefit of being able dial a number.

11. **Claim 23** is rejected under 35 U.S.C. 102(e) as being unpatentable over Matsumoto (U.S. Patent 6,542,870) in view of Wunsch (U.S. Patent 6,606,381) in view of Handelman (U.S. Patent 6,654,721)

**Claim 23** claims the system of claim 22 wherein said audio/video control device further includes a microphone for receiving audible control commands from the user and provides the audible control commands to said second processor for analysis and transmission to said central station. Matsumoto further teaches that the portable device (50) comprises a microphone/amplifier terminal (tb3; figure 4). A microphone converts sound waves into electric current or electric signal. Handelman discloses a voice activated communication system where the user can operate a remote control by speaking toward a microphone located in the remote, or alternately the user can speak toward a microphone (52) built into the CATV converter (50) (column 2, lines 33-52). So, the concept of a voice activated system was well known in the art at the time of filing. Thus it would have been obvious to one of one of ordinary skill in the art to modify Matsumoto's portable device by using Handelman's manner of sending commands benefit of providing the user the capability of inputting commands orally.

12. **Claim 24** is rejected under 35 U.S.C. 102(e) as being unpatentable over Matsumoto (U.S. Patent 6,542,870) in view of in view of Mauch (U.S. Patent 4,721,954)

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**Claim 24** claims the system of claim 18 wherein said central station transmits a signal indicative of transmission of an unauthorized access number by said audio/video control unit upon determining the access number is not acceptable. Mauch discloses a central station (14) that transmits a message inhibiting further operation of one or more of the room stations (16) upon receipt of invalid entries of the access codes (column 6, lines 5-20). So, the concept of a central station transmitting a signal as claimed was well known in the art. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Matsumoto's systems so the base unit could transmit a signal as claimed for the benefit of letting the user know when incorrect data has been received by the base unit.

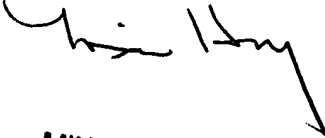
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

DF

  
MINSUN OH HARVEY  
PRIMARY EXAMINER